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BEFORE THE ARIZONA CORPORATION COMMISSION

BOB STUMP
ChairmanGARY PIERCE
CommissionerBRENDA BURNS
CommissionerSUSAN BITTER SMITH
CommissionerBOB BURNS
Commissioner

Arizona Corporation Commission

DOCKETED

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

ORIGINAL

IN THE MATTER OF THE
APPLICATION OF ARIZONA-
AMERICAN WATER COMPANY, AN
ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT
FAIR VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR
INCREASES IN ITS RATES AND
CHARGES BASED THEREON FOR
UTILITY SERVICE BY ITS
ANTHEM/AGUA FRIA
WASTEWATER DISTRICT, SUN CITY
WASTEWATER DISTRICT, AND SUN
CITY WEST WASTEWATER
DISTRICT

DOCKET NOS. SW-01303A-09-0343
W-01303A-09-0343

**RESPONSE TO CITY OF
PHOENIX'S MOTION TO
INTERVENE**

Through this filing, EPCOR Water Arizona, Inc. ("EWAZ") responds to the Motion to Intervene filed by the City of Phoenix ("City"). EWAZ does not object to the City's intervention in this matter. However, the Commission should reject the City's arguments that the Commission lacks jurisdiction to determine the applicable rate to be charged to the City by EWAZ.

As noted by the City in its filing, the Commission has set this rate since at least June 4, 2004, when it issued Decision No. 67093. The City also notes the subsequent

1 Commission Decisions, most recently Decision 73227, dated June 5, 2012, in which the
2 Commission either set or confirmed this rate. Now, more than ten years after the
3 Commission first determined a rate for this service, the City raises this jurisdictional issue
4 for the first time.
5

6 What the City fails to note in its motion is that the parties, including the City,
7 acknowledge in their agreement that this contractual rate "may be altered from time to time
8 by the Commission with or without the consent" of EWAZ.¹ As such, the City has
9 consented to the Commission's jurisdiction for purposes of setting this rate. Not only has
10 the City consented to this jurisdiction in the contract, it has not raised this argument in any
11 prior Commission proceeding in which this rate has been reviewed and revised.
12

13 For these reasons, EWAZ requests that the Commission reject the City's
14 jurisdictional arguments. If, however, the City desires to intervene beyond the scope of
15 these jurisdictional arguments and to present testimony regarding the issues within the
16 scope of this limited proceeding, EWAZ does not object.
17
18
19

20 RESPECTFULLY SUBMITTED this 6th day of October, 2014.

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¹ Agreement at Section 8.5.1(c), a copy of which was docketed by the City in this docket on October 14, 2011.

1 ORIGINAL AND thirteen (13) copies
2 of the foregoing hand-delivered this
3 6th day of October, 2014, to:

4 The Arizona Corporation Commission
5 Utilities Division – Docket Control
6 1200 W. Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing hand-delivered
9 this 6th day of October, 2014, to:

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16 Arizona Corporation Commission
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24 A copy of the forgoing mailed this 6th day of
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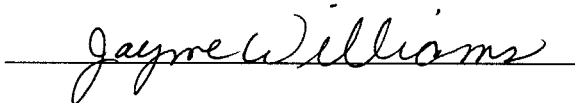
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